

KAEMPFER CROWELL
Robert McCoy, No. 9121
Sihomara L. Graves, No. 13239
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Telephone: (702) 792-7000
Facsimile: (702) 796-7181
Email: rmccoy@kcnvlaw.com
Email: sgraves@kcnvlaw.com

BARNES & THORNBURG LLP
Terri Bruksch (*pro hac vice*)
11 South Meridian Street
Indianapolis, Indiana 46204
Telephone: (317) 236-1313
Facsimile: (317) 231-7433
Email: terri.briksch@btlaw.com

THOMAS COMBS & SPANN, PLLP
Daniel R. Higginbotham (*pro hac vice*)
300 Summers Street, Suite 1380
Charleston, West Virginia 25301
Telephone: (304) 414-1800
Facsimile: (304) 414-1801
Email: dhigginbotham@tcspllc.com

Attorneys for Defendants Johnson &
Johnson, Johnson & Johnson
International, Johnson & Johnson
Services, Inc., Medical Device Business
Services, Inc., DePuy Products, Inc., and
DePuy Synthes, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHERYL ELLISON and HARVEY
ELLISON,

Plaintiffs,

vs.

JOHNSON & JOHNSON SERVICES,
INC.; JOHNSON & JOHNSON, INC.;

BUTLER SNOW LLP
Amy Pepke (*pro hac vice*)
6075 Poplar Avenue, Suite 500
Memphis, Tennessee 38119
Telephone: (901) 680-7200
Facsimile: (901) 680-7201
Email: amy.pepke@butlersnow.com

BUTLER SNOW LLP
Kimberly Bueno (*pro hac vice*)
1400 Lavaca Street, Suite 1000
Austin, Texas 78701
Telephone: (737) 802-1800
Facsimile: (737) 802-1801
Email: kim.bueno@butlersnow.com

Case No. 2:23-cv-00011-CDS-EJY

**STIPULATION AND ORDER
REGARDING MEDICAL RECORD
AUTHORIZATIONS**

(FIRST REQUEST)

1 DEPUY ORTHOPAEDICS, INC.;
2 DEPUY PRODUCTS, INC.; MEDICAL
3 DEVICE BUSINESS SERVICES, INC.,
4 fka DEPUY ORTHOPAEDICS, INC.;
5 DEPUY SYNTHES, INC.; JOHNSON &
6 JOHNSON INTERNATIONAL; and
7 JOHNSON & JOHNSON,

Defendants.

8 Plaintiffs Cheryl Ellison and Harvey Ellison and Defendants Johnson
9 & Johnson, Johnson & Johnson International, Johnson & Johnson Services, Inc.,
10 Medical Device Business Services, Inc. fka DePuy Orthopaedics, Inc., DePuy
11 Products, Inc., and DePuy Synthes, Inc. (the “DePuy Defendants”) stipulate as
12 follows:

13 On or before July 12, 2023, or as soon as reasonably practical, Plaintiffs
14 will provide the DePuy Defendants with an updated medical records authorization
15 signed by Cheryl Ellison to obtain supplemental records from those providers who
16 have previously produced records in this matter and from the date of the most recent
17 record through the time of trial (“the Supplemental Records”). Plaintiffs further
18 agree to provide signatures on proprietary authorizations as required by Cheryl
19 Ellison’s medical providers between now and trial. To the extent Cheryl Ellison has
20 visited physicians or health care providers for whom records have not been
21 previously produced, including but not limited to her Primary Care Providers,
22 Plaintiffs agree to allow the DePuy Defendants to collect medical records from those
23 providers as well. Records requests sent to providers whose records have not been
24 previously produced will be limited in time from June 30, 2022 until the date of trial
in this matter.


1 In exchange for timely receipt of these signed authorizations, the DePuy
 2 Defendants agree not to use the Supplemental Records as a basis for designating
 3 case-specific experts or opinions before trial unless Plaintiffs' experts first
 4 supplement their opinions based upon a substantial change in Cheryl Ellison's
 5 condition. Such opinions by the DePuy Defendants' expert(s), if any, shall not
 6 include new case-specific opinions based on any previously produced medical
 7 records or information but instead shall be limited to the alleged substantial change
 8 in condition reflected in the Supplemental Records. Should such supplementation
 9 occur by Plaintiffs' expert(s), Plaintiffs and the DePuy Defendants reserve all rights
 10 under the rules and case law to pursue or, alternatively, object to any expert
 11 supplementation or designation.

12 HARRISON DAVIS MORRISON
 13 JONES, PC

KAEMPFER CROWELL

14 /s/ Matthew Morrison

15 Matthew Morrison (*pro hac vice*)
 16 Christina Hix (*pro hac vice*)
 5 North Ritchie Road
 Waco, Texas 76712



Robert McCoy, No. 9121
 Sihomara L. Graves, No. 13239
 1980 Festival Plaza Drive, Suite 650
 Las Vegas, Nevada 89135

17 WETHERALL GROUP, LTD.
 18 Peter C. Wetherall, No. 4414
 2580 St. Rose Parkway, Suite 330
 Henderson, Nevada 89074

BARNES & THORNBURG LLP
 Terri Bruksch (*pro hac vice*)
 11 South Meridian Street
 Indianapolis, Indiana 46204

19 Attorneys for Plaintiffs
 20 Cheryl Ellison and Harvey Ellison

BUTLER SNOW LLP
 Amy Pepke (*pro hac vice*)
 6075 Poplar Avenue, Suite 500
 Memphis, Tennessee 38119

BUTLER SNOW LLP
 Kimberly Bueno (*pro hac vice*)
 1400 Lavaca Street, Suite 1000
 Austin, Texas 78701

1 THOMAS COMBS & SPANN, PLLP
2 Daniel R. Higginbotham (*pro hac vice*)
3 300 Summers Street, Suite 1380
4 Charleston, West Virginia 25301

5 Attorneys for Defendants Johnson &
6 Johnson, Johnson & Johnson International,
7 Johnson & Johnson Services, Inc., Medical
8 Device Business Services, Inc., DePuy
9 Products, Inc., and DePuy Synthes, Inc.

10 **ORDER**

11 IT IS SO ORDERED.

12 
13 UNITED STATES MAGISTRATE JUDGE

14 DATED: July 11, 2023
15
16
17
18
19
20
21
22
23
24